

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION
CIVIL CASE NO. 2:14-cv-00039-MR-DLH**

RENTA ECHOLS and ELEANOR)
ECHOLS,)
Plaintiffs,)
vs.) **O R D E R**
TODD W. DAVIS and DAVIS &)
HALLAUER-FOX, a/k/a HILL STREET)
ATTORNEYS, P.C.,)
Defendants.)

)

THIS MATTER is before the Court *sua sponte*.

On September 12, 2014, the Plaintiffs initiated this action against attorney Todd W. Davis (“Davis”) and his firm, Davis & Hallauer-fox a/k/a Hill Street Attorneys, P.C. (“the Firm”), asserting claims for professional negligence and fraudulent misrepresentation. [Doc. 1]. On October 17, 2014, an Answer was filed on behalf of both Defendants. [Doc. 4]. The Answer is signed and verified by Defendant Todd W. Davis, but only in his individual capacity. Nothing in the Complaint indicates that Mr. Davis represents the Firm in his professional capacity. The Certificate of Service is signed by attorney K. Denise Hallauer-fox and indicates that Ms.

Hallauer-fox effected service of the Answer on the Plaintiffs' counsel. Further, Ms. Hallauer-fox submitted the Answer to the Clerk's Office for filing. [See Doc. 4-1]. In light of these activities, Ms. Hallauer-fox was listed as counsel of record for both Defendants on the Court's docket sheet.

On December 11, 2014, the Court received a letter from Ms. Hallauer-fox, in which she states that she does not represent Mr. Davis or the Firm in this matter. She further states that “[a]ny documents I may have signed were signed merely as a member of the firm, Davis & Hallauer-fox, PC. At this point, Mr. Davis is Pro Se and is unrepresented by counsel.” [Doc. 8]. Ms. Hallauer-fox’s letter does not indicate whether Mr. Davis intends to represent the Firm in this action.

In light of Ms. Hallauer-fox’s representations, it appears that both Defendants are unrepresented in this matter. While Mr. Davis may proceed *pro se*, the Firm as a professional corporation may not proceed as an unrepresented party in this matter. See Gilley v. Shoffner, 345 F.Supp.2d 563, 567 (M.D.N.C. 2004). The Court will allow the Firm thirty (30) days to retain counsel. If counsel does not make an appearance on behalf of the Firm within thirty (30) days, the Court will direct that an entry of default be made against this Defendant.

IT IS, THEREFORE, ORDERED that within thirty (30) days of the entry of this Order, the Defendant Davis Hallauer-fox a/k/a Hill Street Attorneys, P.C. shall have counsel make an appearance on its behalf. Failure to comply with this Order will result in the entry of default being made against this Defendant.

IT IS SO ORDERED.

Signed: December 29, 2014



Martin Reidinger
United States District Judge

